

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THERESA CASINO-ORTIZ,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/10/2008

Plaintiff,

- against -

06 Civ. 155 (DAB) (JCF)
ADOPTION OF REPORT
AND RECOMMENDATION

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court upon the September 21, 2007 Report and Recommendation ("Report") of United States Magistrate Judge James C. Francis IV. Pursuant to 28 U.S.C. § 636(b)(1)(C), upon the issuance of a United States Magistrate Judge's Report and Recommendation and "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (providing that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised of these rules in Judge

Francis' Report, to date, neither Plaintiff nor Defendant filed objections.¹

Where no timely objection to a Report and Recommendation is made, "a district court need only satisfy itself there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). After conducting the appropriate level of review, the court may then accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1)(C); see also Local Civil Rule 72.1(d).

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge James C. Francis, dated September 21, 2007, be and the same hereby is, APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Pursuant to Judge Francis' recommendations, it is ORDERED as follows: Plaintiff's Motion for Remand and Further Administrative Proceedings is DENIED, and Defendant's Cross-

¹ On October 11, 2007, the Court received a letter from Plaintiff requesting that the deadline for filing objections be extended until the close of business on October 19, 2007. Although that request was granted, Plaintiff did not file objections with the Court.

Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(c)
is GRANTED;

3. The Clerk of Court is hereby directed to CLOSE this case
and remove it from the docket.

SO ORDERED

DATED: New York, New York
February 20, 2008

Deborah A. Batts

DEBORAH A. BATTES
United States District Judge